IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6982 OF 2005

Vijay Vilasrao Patil. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri Umesh Mankapure for the Applicant.
Ms.M.M.Deshmukh, a.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 24th October, 2005.

P.C.:

1. Heard the learned Advocate appearing for the Applicant and the learned APP for the State.

2. Apart from merits, the learned Advocate for the Applicant submitted that the Applicant is entitled to claim parity on the basis of the order dated 9th August 2005 passed in Criminal Application No.4413 of 2005. The learned A.P.P. submitted that though there may not be any difference between the role alleged against the Applicant herein and the Applicant in Civil Application No.4413 of 2005, in case of co-accused bail was granted by this Court as the Investigating Officer did not attend this Court and failed to produce the relevant material.

3. In my view the fact that the co-accused was enlarged on bail in the absence of the Investigating Officer does not prevent the Applicant from claiming

relief in this Application. The bail was granted to the co-accused on merits on the basis of the material available on record. There is no difference between role ascribed to the Applicant in the present application and the role ascribed to the Applicant in the said application. The Applicant is, therefore, entitled to be enlarged on bail by reason of parity. There is nothing on record to show that there are any criminal antecedents of the Applicant.

4. Hence the following order is passed:

(i) The Applicant shall be enlarged on bail in connection with C.R.No.48 of 2005 registered with Ashta Police Station, Dist. Sangli, subject to furnishing a personal bond of Rs.15,000/- with one of two local sureties in the like amount.

(ii) The bail is granted subject to the condition that the Applicant will not enter the area falling within the jurisdiction of Ashta Police Station, Dist. Sangli till the conclusion of the trial.

(iii) The bail is granted subject to condition that the Applicant will report to the

local Police Station once in a week till the conclusion of the trial.

(iv) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(v) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

(vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(v) Application is disposed of in above terms.

(vi) The parties to act upon an authenticated copy of this order.

Judge.